

Plaintiff was instructed that, if he elected to pay the filing fee, he could utilize the period for objections in which to do so.

The response period has expired, and no objections have been filed by plaintiff nor has the filing fee been paid.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS ORDERED:

1. Plaintiff's pauper status is REVOKED.
2. The instant cause is DISMISSED WITHOUT PREJUDICE TO REFILE WITH PREPAYMENT OF THE FILING FEE. 28 U.S.C. § 1915(g).

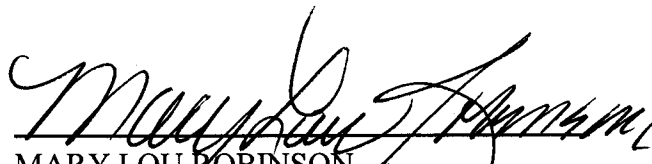
LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff, and to any attorney of record by first class mail.

All pending motions are DENIED.

IT IS SO ORDERED.

ENTERED this 12th day of January, 2011.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE